

EXHIBIT

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Colville, Michael (USAPAW)

To: larry kerr
Subject: Fix records

Larry, I sent you a letter this morning concerning the items that we discussed yesterday (i.e. MRIs, test results, Dr. DeMarco's report, Dr. Joseph's records since Oct. 05 and the PDF that you recalled sending me with Dr. Joseph's reports etc...).

Concerning the MRIs please let me know how you want to handle it. My office will obviously pay for any copies that are made and I am certainly willing to drive to wherever and pick them up. Please let me know how you want to proceed.

As I explained to you in the conference room yesterday, I need to get these documents to my experts ASAP so that they can review the records and amend their reports, if necessary. Your anticipated cooperation is appreciated

I look forward to hearing from you.

--Mike

Colville, Michael (USAPAW)

From: Colville, Michael (USAPAW)
Sent: Thursday, August 10, 2006 5:55 PM
To: lkerr@bwc-law.com
Cc: OConnor, Philip (USAPAW)
Subject: Records

Larry, I don't want to bother you over and over, but you still owe me copies of the medical records, test results and MRI films from Drs. Felder and DiMarco (if appropriate). Please let me know when I can expect to receive them. Again, I need to get these to my experts so that they can review and if necessary amend their reports.

In addition and FYI, I have not yet spoken with Dr. Heyman as he was away and has recently been working on a backlog of surgeries. As such, I have not yet reviewed the language of his report with him.

That said, I think that Dr. Heyman may be right about a Western Blot being conducted immediately. Take a look at his report and the 6/21/00 Lyme report (p. 284 of medical record) then look at the July 10th Progress Note (p. 261 of medical record). I think that the top portion of the June 21st report is the ELISA result and the bottom portion is the Western Blot result. See also, the discussion by Dr. Heyman about the results of this report. Either way I intend to confirm with Dr. Heyman what he meant by his language as soon as we are able to sit down together...hopefully by month's end.

In the meantime I would appreciate it if you could get the records and films to me ASAP.

Thanks Larry. --Mike

P.S. If you are having difficulty with the experts cooperating with you let me know and I will subpoena the records. Hopefully they will cooperate with you.